

AI INDEX: AMR 23/30/98  
EMBARGOED UNTIL 19 MAY 1998

## **OPEN LETTER TO COLOMBIAN PRESIDENT ERNESTO SAMPER PIZANO**

**MR PRESIDENT:** One month after the killing of Dr Eduardo Umaña Mendoza and on the eve of the first anniversary of the killing of Mario Calderón and Elsa Alvarado, I take this opportunity, as Secretary General of Amnesty International, to bring to your attention the following:

The international community has looked on with mounting horror and indignation as Colombian human rights defenders have been subjected to what increasingly appears to be a systematic campaign designed to silence them and destroy their work. Over a period of years they have been victims of a sustained campaign of harassment and intimidation ranging from repeated death threats to arbitrary detention, "disappearance", and cold-blooded murder. The attacks have taken place against a background of a concerted smear campaign designed to discredit and undermine the legitimate activities of organizations and individuals who work to promote and protect human rights.

During your administration, Mr President, human rights defenders have been persecuted on an unprecedented scale. More defenders have been killed in the last four years than during any previous government. Despite repeated commitments to protect human rights defenders your government has relinquished its responsibility and has preferred to hide behind euphemisms attributing the attacks to "fuerzas oscuras" ("dark forces") which, it is claimed, can neither be identified, confronted, nor held to account.

The indifference of your government to the plight of those who peacefully seek to protect human rights and the basic principles of democratic society has constituted at best gross irresponsibility and at worst criminal negligence.

Mario and Elsa had little warning of the impending attack. Eduardo Umaña, on the other hand, had on numerous occasions reported to the authorities death threats, attempted kidnappings and other attacks against his life. Which Colombian state human rights official can honestly say they did not know of the risk to the life of Eduardo Umaña and yet what precisely was done by the authorities to identify and bring to justice those responsible for the long catalogue of attacks and intimidation? Tragically, the answer is all too evident: everyone knew; nothing was done.

In numerous reports that AI has published over the years on the human rights crisis in Colombia the organization has collated irrefutable evidence that the vast majority of serious human rights violations, including attacks against human rights defenders, are committed by state agents or by paramilitary forces which act with their acquiescence or complicity. The government has received these reports and the reports of many other independent and official bodies containing compelling evidence of direct or indirect responsibility of state agents in many of these attacks. In response, your government has frequently attempted to explain the violations of human rights by state agents as isolated and unconnected incidents. By any objective analysis, however, it is more than apparent that these attacks form part of a systematic, calculated campaign to eliminate perceived opponents by illegal means and to silence those courageous individuals in Colombia who still believe, despite all evidence to the contrary, in justice and truth and the fundamental sanctity of human life. Without the dedication and commitment of human rights defenders who seek to protect minimum humanitarian standards - whether they work to this end within independent organizations or state institutions - Colombia faces an continuing descent into total lawlessness and chaos.

The crucial question Colombians must ask themselves is: who stands to gain if human rights defenders are silenced? Certainly not the tens of thousands of victims of human rights violations nor those millions of Colombians who voted for an end to the interminable internal conflict.

However repugnant and difficult to believe, the attacks against human rights defenders do have a cold logic: human rights defenders are victim of their own achievements. Their vital role in bringing to the attention of national and international public opinion the reality of the human rights crisis in Colombia has led to pressure on the Colombia state and, by extension, on its armed forces, to abide by the rule of law and to abandon illegal practices such as *ejes*, "disappearances" and torture. As a result, human rights activists are increasingly seen in some quarters as a major obstacle to the pursuit of the armed forces' counter-insurgency operations. By removing that obstacle the path would be cleared for the pursuit of military action in which the most fundamental human rights could be suppressed and violated, unquestioned and unchallenged by civil society

The ambivalence of your government towards human rights organizations has allowed and quite possibly encouraged the escalation of attacks against defenders. Despite statements recognizing the legitimacy of their work, the failure of your government to take action against members of the armed forces, in active service and retired, who falsely accuse human rights defenders of links with subversive organizations has sent a clear message that the campaign of extermination will be tolerated.

Alarmed by the growing persecution of human rights defenders in Colombia, in May 1996 Amnesty International hosted an international conference on the protection of defenders in Santafé de Bogotá. The Conference emphatically confirmed the principle that everyone has the right to defend human rights, and that the defence of these rights is an endeavour to be shared by all people. Men and women, individually or collectively - in their homes, their places of work or study, through religious institutions, social or cultural organizations, trade union, political parties or state institutions - whatever their philosophical beliefs or social origin, have the inalienable right to defend and promote each and every one of their human rights in the struggle to achieve a world in which all people will be free from fear and want.

These principles were re-affirmed by the United Nations in the Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms adopted by the 54 th session of the UN Commission on Human Rights in Geneva last month. The Declaration also clearly holds states responsible for the protection of human rights defenders: “The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this declaration.”

It is, therefore, the incontrovertible responsibility of states to guarantee the free exercise of the right to promote and defend human rights. States are fundamentally obliged by international law to protect and promote this right, to prevent it from being threatened, restricted or suppressed and to protect the liberties and security of those who exercise it. Your government, Mr President, has singularly failed to fulfil that obligation.

It is to be hoped that the incoming government will assume, without vacillation or hesitation, this obligation and urgently adopt all measures necessary to counter repressive actions or intimidations by government agents, or their allies, against human rights defenders including action to finally fulfil the promise you made in September 1994 to eradicate paramilitary organizations.

Unless and until the Colombian Government, and specifically the President as head of state, demonstrates genuine political will to confront and expose the “fuerzas oscuras”, those sectors who have brought Colombia to the brink of the abyss will continue to succeed in their aim of replacing the rule of law with the rule of the gun, and respect for human rights with an escalating reign of terror.

Pierre Sané  
Secretary  
London, May 1998

General